

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

CRIMINAL CASE NO. 3:07cr282

UNITED STATES OF AMERICA,

vs.

JAMES SINGLETON.

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ORDER

THIS MATTER is before the Court on the Defendant's Unopposed Motion to Continue Trial Date. [Doc. 25].

The Defendant was charged in a five-count Bill of Indictment on December 18, 2007, with being a felon in possession of a firearm, in violation of 18 U.S.C. §§ 922(g)(1) and 924(e); making a false statement to a firearms dealer in connection with the acquisition of a firearm on three different occasions, in violation of 18 U.S.C. § 922(a)(6); and altering records or documents with the intent to impede an investigation, in violation of 18 U.S.C. § 1519. The Defendant made his initial appearance in this case on December 26, 2007, at which time counsel was appointed. Defendant's present counsel, Angela Parrott and Rahwa Gebre-Egziabher,

were subsequently assigned to represent the Defendant on December 27, 2007.

On January 11, 2008, counsel filed a motion to withdraw from the case because the Defendant wanted to represent himself and would not meet with counsel. On January 22, 2008, the Court heard the motion and granted the Defendant's request to represent himself. On February 20, 2008, the Defendant filed a *pro se* motion, asking for counsel to be appointed to represent him. The Court heard this motion on February 28, 2008, and re-appointed Angela Parrott and Rahwa Gebre-Egziabher to represent the Defendant.

The Defendant then moved for a continuance of the trial date, which was scheduled for the April 14, 2008 term. The Court granted the Defendant's request and continued this matter to the Court's June 9, 2008 trial term. [Order, Doc. 20].

The Defendant now requests another continuance of the trial date. For grounds, the Defendant states that a suppression hearing was held on May 13, 2008, and that on May 14, 2008, the Magistrate Judge filed a Memorandum and Recommendation [Doc. 24] recommending that the motion to suppress be denied. The Defendant intends to file objections to

the Memorandum and Recommendation by May 26, 2008. The Defendant argues that counsel's trial strategy and its advice to the Defendant "will vary significantly depending on the Court's ruling on the motion to suppress." [Doc. 25]. For further grounds, Defendant states that his lead counsel, Angela Parrott, will be out of the office due to pre-existing leave obligations the week of May 26, 2008. [Id.].

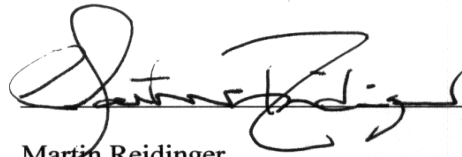
The Court finds that the Defendant has not stated adequate grounds to justify a continuance of this matter, and therefore the Court finds and concludes that the Motion to Continue should be denied. With respect to the Defendant's impending objections to the Memorandum and Recommendation regarding the motion to suppress, the Court will rule on such objections as soon as practicable, or if necessary, on the first day of the trial term. As for lead counsel's leave obligations, the Court does not find that counsel's absence approximately two weeks before trial would "would unreasonably deny the defendant . . . the reasonable time necessary for effective preparation, taking into account the exercise of due diligence." 18 U.S.C. § 3161(h)(8)(B)(iv).

The Court does finds that an extension should be granted to allow the parties adequate time for plea negotiations.

IT IS, THEREFORE, ORDERED that the Defendant's Motion For Continuance [Doc. 23] is **DENIED**.

IT IS FURTHER ORDERED that any plea agreement reached in this case shall be filed with the Court on or before June 2, 2008.

Signed: May 23, 2008


Martin Reidinger
United States District Judge

